PRESS RELEASE

EC Proposal falls far short—Environment and Health NGOs call for a broader directive restricting the use of all measuring and control equipment containing mercury

[Brussels 3/6/2005] Environment and Health NGOs[i] are strongly urging the Commission[1] to strengthen its proposed restriction on the use and marketing of non-electrical and non-electronic measuring and control equipment containing mercury. They recommend that all consumer and professional uses be included in the restriction, with exemptions for a limited period of time and only where alternatives do not exist.

The Commission has developed a working document for a proposal - amending a directive - to restrict the marketing of certain measuring devices containing mercury. This working document proposes that new fever thermometers and other mercury containing measuring devices intended solely for consumer use (e.g. manometers, barometers, sphygmomanometers) should not be placed on the market.

"This approach is too narrow and much more limited than the EU Mercury strategy proposed action 7[2]. As a result, it will not achieve the possible reductions in mercury contamination from measuring and control devices that are both necessary and achievable" said Elena Lymberidi, Zero Mercury Campaign Project Co-ordinator at the European Environmental Bureau, "*The EU should not place itself in the position of trying to anticipate every possible use and then undertaking regulatory action to restrict that use. Instead, the EU should start with the proposition that mercury use in products is generally unsafe and unnecessary. Any manufacturer who still wants to use the toxic chemical – in cases where there is no alternative – should then be required to apply for special permission."*

"The burden of proof should rest with manufacturers. They should be obliged to show that their proposed use of mercury is necessary because of the lack of available alternatives"; said Lisette van Vliet , Toxics Policy Advisor for Health Care Without Harm Europe. *"This approach has been already used successfully in EU law[3] and can be significantly more effective."*

Individual Member States[4] and some Hospital associations[5] have already taken action in banning or restricting the use of such products containing mercury - including professional devices, with several exemptions where adequate alternatives do not yet exist. [6,7,8,9]

The Groups point out that for both consumer and professional uses, other categories of products containing mercury exist, such as Temperature Measurement and Sensing Devices, Gastrointestinal Tubes, Pressure Gauges and Flow Rate Devices, which are

[1] http://www.eeb.org/activities/mercury/050603_NGOs_comments_WD_measuring_equipment_directive.pdf
[2] http://europa.eu.int/comm/environment/chemicals/mercury/pdf/com_2005_0020_en.pdf
[3] EU directives- 2002/95 on the Restriction of certain hazardous substances from EEE and 2000/53 on Env of Life Vehicles
[4] Countries such as Denmark, France, the Netherlands, Sweden and Norway
[5] http://www.cleanmed.org/europe/2004/english/docs/press/press_vienna_declaration.pdf
[6] http://europa.eu.int/comm/environment/chemicals/mercury/pdf/norway.pdf
[7] http://europa.eu.int/comm/environment/chemicals/mercury/pdf/sweden.pdf
[8] http://www.eeb.org/activities/mercury/Petra%20Hagstrom%20presentation%20Hg%20Madrid%20042205.pdf
[9] French response to Consultation document Development of an EU Mercury Strategy Invitation to Comment, http://europa.eu.int/comm/environment/chemicals/mercury/pdf/france_en.pdf

not currently covered by the proposed directive, but for which cost and functionally comparable or better alternatives exist[10,11,12,13,14].

Mercury containing devices can pose a risk to human health and the environment during usage, because they are easily broken. After usage they end up in the waste stream, contaminating air, water and soil. This creates an unacceptable health risk for children and women of childbearing age. There is increasing evidence that residential inhalation at home and in the workplace can be a source of significant mercury exposure[15]. More than 33 tonnes of mercury are estimated to be used for such equipment annually in the EU, with some 25-30 tonnes of mercury entering the cycle via thermometers alone[16]. Respective emissions to air are estimated to be 8 tonnes per year, plus 27 tonnes entering the waste stream from old equipment[17].

For more information

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[i] Environmental and Health NGOS include
The **European Environmental Bureau, (EEB)**, www.eeb.org, is a federation of more then 140 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.
The **Ban Mercury Working Group**, www.ban.org/Ban-Hg-Wg/, is an international coalition of 27 public interest non-governmental organisations from around the world formed initially in 2002 by 2 US based NGOs, the Basel Action Network (www.ban.org) and the Mercury Policy Project (www.Mercurypolicy.org). working to end pollution from the toxic metal -- Mercury.
European Public Health Alliance Environment Network (EEN), http://www.env-health.org**/** is an international non-governmental organisation advocating environmental protection as a means to improving health and well-being. Member groups and organisations represent health, environment, women, health professionals and others. The group has a diverse membership, 29 members with 5 international organisations, 10 European networks and 14 national/local organisations, including non-governmental organisations, professional bodies representative of doctors and nurses, academic institutions and other not-for-profit organisations.
Health Care Without Harm Europe (HCWH), www.noharm.org, is an international coalition of hospitals and health care systems, medical and nursing professionals, community groups, health-affected constituencies, labour unions, and environmental and environmental health organisations. HCWH is dedicated to transforming the health care industry worldwide, without compromising patient safety or care, so that it is ecologically sustainable and no longer a source of harm to public health and the environment.

And with the support of NGOs from the USA (Natural Resources Defence Council), India (Toxics Link), China (Global Village of Beijing), Brazil (Association for Combats against the POPS).

[10] See www.noharm.org/mercury/mercuryFree for a list of pharmacies no longer selling mercury fever thermometers and www.noharm.org/mercury/ordinances for a list of laws prohibiting mercury fever thermometer sales in the United States.
[11] See a detailed comparison of mercury and non-mercury measuring devices and instruments performed for the Maine Department of Environmental Protection at www.maine.gov/dep/mercury/lcspfinal.pdf and the proposed strategy based on that report at www.maine.gov/dep/mercury/productsweb.pdf. Following the submission of this strategy, the Maine Legislature enacted a prohibition on the sale of most mercury measuring devices and instruments effective July 2006. Appendix B to the report contains some examples of substantial cleanup expenditures resulting from measuring instrument breakage.
[12] Global Mercury Assessment, UNEP, December 2002, p.141
[13] http://www.informinc.org/fsmercalts.pdf and http://www.informinc.org/fsmerchealth.pdf
[14] Nordic Council of Ministers, "Mercury – a global pollutant requiring global initiatives", Copenhagen 2002 http://www.norden.org/pub/miljo/miljo/sk/2002-516.pdf
[15] A. Carpi and YF Chen. Gaseous Elemental Mercury as an Indoor Air Pollutant. Environ. Sci.Technol., Vol 35:4170-4173 (2001).
[16] SEC(2005)101, Extended Impact Assessment, annex to the Community Strategy on Mercury, p.37
[17] Risks to Health and the Environment Related to the Use of Mercury Products, Final Report, prepared for the European Commission, DG Enterprise (2002), p.106